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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,044	01/19/2001	Melvin N. Miller	7420-061-999	9617

27832 7590 04/22/2002

EXPANSE NETWORKS, INC.
300 NORTH BROADSTREET
DOYLESTOWN, PA 18901



EXAMINER

DONOVAN, LINCOLN D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 04/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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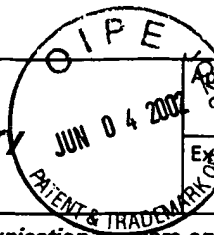
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*not our file (15)

PTO-90C (Rev. 07-01)

5/17/02 - TC 2800 re wrong Appln (not ours) Assoc w/ cust # will mail back to PTO (15)
For Exr. Donovan re not Expanse file (15)
Sheila. @ TC 2800 re wrong Appln (not ours) Assoc w/ cust # will mail back to PTO (15)

Office Action Summary



Application No.

09/766,044

Applicant(s)

Miller et al.

Examiner

Lincoln Donovan

Art Unit

2832

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-64 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-18, 25-25 and 42-64, drawn to a magnet assembly, classified in class 335, subclass 295.
 - II. Claims 19-24, drawn to a method of analyzing an RF field, classified in class 324, subclass 318.
 - III. Claims 36-41, drawn to a method of making an MRI device, classified in class 29, subclass 602.1.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions III and [I, II] are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the magnet structure can be preassembled.
3. Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as an MRI device not using the analysis method of II. See MPEP § 806.05(d).

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

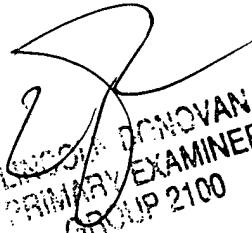
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0956.

LDD

April 12, 2002


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100



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TECHNOLOGY CENTER 2800

Dear United States Patent and Trademark Office Customer:

Quality and customer satisfaction are important to Technology Center 2800.

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If the communication you have received has any issues that raise concerns as to the quality and/or clarity of the action taken by the examiner, we invite you to contact the appropriate Supervisory Primary Examiner. You may also contact one of our Quality Assurance Specialists.

Quality Assurance Specialists:

Don Hajec.....703-308-4075

Paul Dzierzynski.....703-308-4822

If the contents of the attached correspondence have any clerical omissions, e.g., missing references or pages, illegible text, or any other similar errors, please contact us at the number below. We will take appropriate action to expedite the necessary corrections. Also, if you have general questions concerning any application assigned to Technology Center 2800, please contact our Customer Service Center. Questions concerning the merits of the application must be directed to the Examiner in charge of the particular application, then to the supervisor if appropriate.

TC 2800 Customer Service Center Crystal Plaza 4-6th floor, D-corridor

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Any matter not satisfactorily resolved by the listed resources should be brought to the attention of the appropriate Director listed below. We appreciate your assistance in helping us help you.

Directors, Technology Center 2800

Semi-conductors, Electrical, Optical Systems & Components

Sharon Gibson	703/308-0658	2810
Rolf G. Hille	703/306-0658	2820
Richard Seidel	703/306-3431	2830/40
Howard N. Goldberg	703/306-3431	2850/60
Janice A. Falcone	709/308-0530	2870/80

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/766,004	01/19/2001	2611	517	T721-21	9	38	2

Douglas J. Ryder
Expanse Networks, Inc.
300 North Broad Street
Doylestown, PA 18901CONFIRMATION NO. 7949
UPDATED FILING RECEIPT

OC00000006225768

Date Mailed: 06/26/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John A. Schlack, Southampton, PA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/229,156 08/31/2000

Foreign Applications

If Required, Foreign Filing License Granted 04/02/2001

Projected Publication Date: 02/28/2002

Non-Publication Request: No

Early Publication Request: No

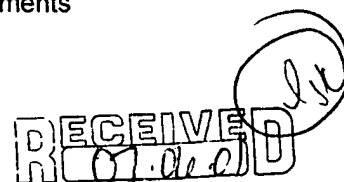
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Title

System and method for delivering statistically scheduled advertisements

Preliminary Class

725

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

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Laura J. Kelly
Patent Paralegal

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a: 300 N Broad Street Doylestown, PA 18901
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w: www.expanse.tv



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LAURA J. KELLY

Intellectual Property Paralegal

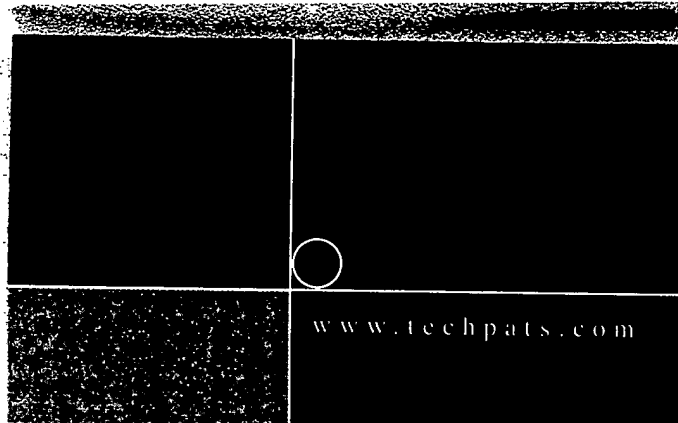
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May 22, 2002

Technology Center 2800
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RE: 09/766,044 error

Dear Sheila:

As per my telephone conversation with you on May 17, 2002, enclosed is the Official Action that we received in error for application serial number 09/766,044. As discussed, this application is not an Expanse Networks application and accordingly should be forwarded to the correct correspondence address/attorney of record.

Additionally, this application appears to have been erroneously associated with our company via a probable typographical error during the customer number association. We do have an application having serial number 09/766,004, which does not appear to be associated with our customer number. I have enclosed a copy of the Official Filing Receipt (OFR) for our case (09/766,004) for your reference. I would hope that our application can be located as well and correctly put with our customer number and the erroneous application (09/766,044) should be removed from our customer number.

Thank you in advance for your attention to this matter. Should have any questions, please feel free to contact me at the below telephone number or, preferably, via email to lkelly@expanse.tv or lkelly@techpats.com.

Very best regards,

Laura J. Kelly
Intellectual Property Paralegal

Enc: Official Action (09/766,044)
Copy of OFR (09/766,004)

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